



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,399	03/16/2001	Howard B. Goldman		3582

7590 08/14/2002

William J. Crossetta, Jr.
Crossetta & Associates
905 Convention Towers
43 Court Street
Buffalo, NY 14202

EXAMINER

NGUYEN, THU V

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/809,399

Applicant(s)

GOLDMAN, HOWARD B.

Examiner

Thu V Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

Art Unit: 3661

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification page 10, line 12 is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.
2. The information disclosure statement filed on March 16, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

3. The disclosure is objected to because of the following informalities:

In the specification page 18, line 1, the disclosed : "magnesium carbonate powder 19" . However, the number index 19 is reused to disclose the "dual antennal wire" in page 19, line 9. Each number index should be used for just one element.

Art Unit: 3661

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (specification page 9, lines 5-24; page 10, lines 1-22) in view of Bunyan et al (U.S Patent No. 6,248,393).

As per claim 13-14, Applicant admitted prior art teaches a GPS antenna which includes stacked ground, positive and separator plate (specification page 9, lines 5-9).

Applicant's admitted prior art does not disclose engaging the exposed face of the positive plate by a polymeric composition containing particles of a conductive metal. However, Bunyan suggests surrounding electromagnetic surrounding device with a gasket formed of conductive polymer (col.1, lines 28-35; col.5, lines 47-51; col.6, lines 29-53); Bunyan, further, teaches bonding or fastening the gasket to the surfaces of the protected device (col.1, lines 35-47; col.5, lines 10-18). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to encase the positive plate, the separator plate and the ground plate of the antenna of the applicant's admitted prior art with the gasket of Bunyan in order to insulate the

Art Unit: 3661

antenna from interfering with other electromagnetic sources, and to confine the electromagnetic energy as motivated by Bunyan in col.1, lines 28-35.

As per claims 15-17, the internal structure of a GPS antenna would have been known.

As per claim 18-20, 25, Bunyan does not explicitly teach a specific material for the polymeric and conductive metal as claimed. However, Bunyan teaches certain typical materials to be selected for the gasket having polymeric and metal surface (col.5, lines 36-50; col.6, lines 29-53); further, the claimed metal and polymeric material would have been well known metal and polymeric materials. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to select the magnesium carbonate, and the combination of polyester resin, styrene monomer, talc, magnesium carbonate powder, and sodium borosilicate as the metal and polymeric material for the gasket of Bunyan, since selecting a specific known material for the metal and polymeric coated device according to a particular preference and need requires only routine skill in the art.

As per claim 21-24, and 26, applicant's admitted prior art in view of Bunyan do not explicitly disclose an exterior surface as claimed. However, selecting a specific outer surface to facilitate mounting an antenna to a selected position requires only routine skill in the art.

Art Unit: 3661

6. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (specification page 9, lines 5-24; page 10, lines 1-22) in view of Bunyan et al (U.S Patent No. 6,248,393) and further in view of Herring (U.S Patent No. 6,211,823).

As per claim 1, refer to discussion in claim 13 above. Further, including the wireless communication means, the GPS signal processor for GPS communication between satellites and the GPS system would have been well known. Further, Herring suggest implementing the antenna underside of the vehicle (col.3, lines 41-49; col.4, lines 19-31, lines 58-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the well known wireless communication means and GPS processor and to implement the antenna to the underside of the vehicle in order to receive signals from the satellites without need to implement the antenna in the direct line of sight as taught by Herring in col.3, lines 41-49.

As per claim 2-5, 10-12, conducting the communication between the GPS antenna and satellites when needed, and tracking the position of a vehicle through connection with the Internet would have been known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to conduct a known wireless communication with the satellites only when position data is needed to save power consumption.

Art Unit: 3661

As per claim 6-9, refer to discussion in claim 1 above. Further, using a magnet as a means for attaching the antenna to the vehicle would have been obvious, since selecting a known attaching means to attach a device to a metal surface requires only routine skill in the art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Pontoppidan (U.S Patent No. 6,333,716) teaches coating a metallic pattern over a non-conductive material, and a construction of a known antenna (col.4, lines 6-38; col.6, lines 54-67).
 - b. Lilly (U.S Patent No. 6,411,261) teaches an artificial magnetic conductor which includes a polymer layer and a metallic layer (col.6, lines 5-11).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

Art Unit: 3661

(703) 305-7687 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive,
Arlington. VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner
can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for
this Group is (703)305-7687 .

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703)308-1111.



Thu Nguyen

August 10, 2002